



<b>PETITION NUMBER:</b>	1001-PUD-01	
<b>APPROXIMATE LOCATION:</b>	146 <sup>th</sup> Street & Towne Road	
<b>PETITIONER:</b>	Estridge Development Company	
<b>REPRESENTATIVE:</b>	Joe Calderon, Bose McKinney & Evans LLP	
<b>REQUEST:</b>	Change in zoning of approximately 1,409 acres to the Symphony PUD District.	
<b>CURRENT ZONING:</b>	AG-SF1, SF-2 and Centennial North PUD	
<b>STAFF REVIEWER:</b>	Kevin M. Todd, AICP	
<b>ZONING HISTORY:</b>	0407-REZ-05	Sugar Creek Rezone (a portion of the Nature and Recreation District)
	0901-PUD-01	Centennial North PUD (a portion of the Residential District)
<b>EXHIBITS:</b>	<ol style="list-style-type: none"><li>1. Staff Report</li><li>2. Aerial Location Map</li><li>3. Comprehensive Plan Map</li><li>4. Petitioner's Proposal; May 26, 2010</li><li>5. Supplemental Materials provided by the Petitioner; July 2, 2010</li></ol>	

### **PETITION HISTORY**

This petition was introduced at the December 14, 2009 City Council meeting. It was reviewed at the December 22, 2009 Technical Advisory Committee meeting, and it received a public hearing at the June 21, 2010 Advisory Plan Commission (the "APC") meeting.

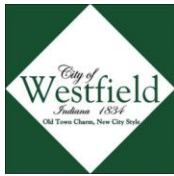
### **PROCEDURAL**

The official public hearing was held at the June 21, 2010 APC meeting, however, they may hold an additional public hearing at the July 6, 2010 meeting. The APC may hear additional public comment at the APC President's discretion, or by a majority of the APC members present.

### **PROJECT OVERVIEW**

#### **Project Description**

The subject property is approximately 1,409 acres in size and is generally located between 146<sup>th</sup> Street and 161<sup>st</sup> Street and between Ditch Road and Shelborne Road (the "Property"). The proposed Planned Unit Development ("PUD") Ordinance allows for a maximum of 4,112 dwelling units and a maximum of 1.16 million square feet of non-residential space (of which 410,000 square feet is allocated for retail uses). The PUD has three (3) districts: the Residential District, the Mixed Use District, and the Nature and Recreation District (the "Project").



The PUD Ordinance allows for several different residential lot and unit types in the Residential District. The intent is to create a variety of home types and lot sizes in order to accommodate different housing needs. The detached single family residential options range from 800 square-foot lots to 9,000 square-foot lots. The PUD Ordinance also allows for single-family attached and multi-family housing dwellings. The proposed PUD encourages the intermingling of different dwelling types and sizes so that diverse, non-homogenous neighborhoods are designed. Accessory buildings, accessory dwellings, and home occupations are also permitted. Dwellings may front on either a public right-of-way or on open space.

The intent of the Mixed Use District is to create a neo-traditional town center area, where buildings are located close to the street and a high level of pedestrian activity is anticipated. This district allows for buildings up to four (4) stories tall and a mixture of residential and non-residential uses. In addition to the same dwelling types that are allowed in the Residential District, Live-Work Units are also permitted. The Mixed Use District permits a variety of lodging, office, retail, civic, and educational uses. The Mixed Use District is located in three (3) areas: the northwest corner of 146<sup>th</sup> Street and Towne Road; the northern side of the intersection at 146<sup>th</sup> Street and Ditch Road; and the eastern side of the intersection at Towne Road and 161<sup>st</sup> Street.

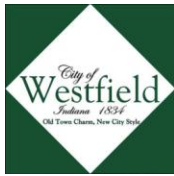
The Nature and Recreation District includes the existing Woodwind Golf Club, residential dwellings and a limited number of non-residential uses, including: restaurants, civic-oriented uses and other recreational uses.

In addition to the non-residential uses anticipated in the Mixed Use District and the Nature and Recreation District, small areas of non-residential uses are permitted at “important neighborhood intersections,” which are located throughout the Project (including locations within the Residential District). There are nine (9) “important neighborhood intersections” identified on the Concept Plan. Each of these intersections are permitted to include up to 15,000 square feet of non-residential space, including retail, office, and restaurant uses (totaling a possible 135,000 square feet of space for the entire PUD).

#### Comprehensive Plan (Feb 2007, as amended)

The Westfield-Washington Township Comprehensive Plan (the “Comprehensive Plan”) identifies the Property as being located within four (4) of the comprehensive plan land use classifications: Existing Suburban Residential; New Suburban Residential; Existing Rural Southwest; and Local Commercial. See attached Exhibit 3.

The majority of the Project falls within the Existing Suburban Residential and the New Suburban Residential classifications. The westernmost portion of the Property lies within the Existing Rural Southwest classification. A small portion of the Property around the intersection of Towne Road and 146<sup>th</sup> Street is located within the Local Commercial classification.

Thoroughfare Plan (Feb 2007, as amended)

The Westfield-Washington Township Thoroughfare Plan identifies the following roadway classifications: Towne Road, Primary Arterial 2 (150' ROW); Ditch Road and 161<sup>st</sup> Street, Secondary Arterial (120' ROW); and 151<sup>st</sup> Street, 156<sup>th</sup> Street, 159<sup>th</sup> Street, and 166<sup>th</sup> Street, Collectors (100' ROW). The Alternative Transportation Plan identifies the roadways listed above as being part of the City's trail and pathway network. The Alternative Transportation Plan calls for multi-use pathways that are eight (8) feet in width to be located along Collector Streets and Arterial Streets.

146<sup>th</sup> Street lies within the jurisdiction of the Hamilton County Highway Department (established by interlocal agreement). 146<sup>th</sup> Street is planned to be a limited access thoroughfare. The road cross-section is planned to include two eastbound and two westbound travel lanes, separated by a center median (similar to the sections of 146<sup>th</sup> Street that have already been improved). In addition, the County is planning to provide frontage roads along 146<sup>th</sup> Street to assist in further limiting road cuts.

Annexation

The Property is within the corporate boundaries of the City of Westfield.

Well Head Protection-Ord. 05-31

The Property is not within a wellhead protection area.

**“BIG PICTURE” DISCUSSION ITEMS**Comprehensive Plan

The extent of development proposed in the Project would appear to be more intense than that contemplated in the Comprehensive Plan. However, the Comprehensive Plan is merely a guide to assist in making land use decisions in the jurisdiction. The petitioner is planning to address this issue at the Public Hearing.

Sports Facilities

The proposal includes various athletic and recreation facilities. As you may be aware, the Family Sports Capital of America Commission is in the final stages of identifying the location for the Family Sports Capital of America. The Symphony project is one of three possible locations competing for these facilities. Until the selection process is completed, it is important to make sure that the standards approved for the Project, or any project, do not create opportunities for conflict or complications with the Family Sports Capital of America initiative. If the Symphony site is selected to play a role in the Family Sports Capital of America, the PUD Ordinance can be amended accordingly.

Development Standards

The Symphony PUD Ordinance adopts a somewhat unconventional approach to establishing development standards within the project. The standards are designed to be very flexible in order to allow the developer to respond to market conditions without returning for PUD amendments. Although this strategy is understandable, given the recent and dramatic changes in the market, the proposed PUD Ordinance may not provide the level of predictability typically desired by the APC. The petitioner will be able to speak to this item at the Public Hearing.



### Architectural Standards

The Architectural Standards included in the Symphony PUD proposal are basic. Although the flexibility associated with these basic standards may be desirable from the petitioner's standpoint, it may not provide the level of predictability typically desired by the APC. The petitioner will be able to speak to this item at the Public Hearing.

### Technical Comments

The petitioner continues to work with the Community Development Department, the Public Works Department, the Fire Department and the other Technical Advisory Committee agencies to address the more technical issues related to the proposal. To the extent there are items requiring APC consideration, such items will be presented to the APC as this proposal moves forward through the zoning review and approval process.

### Ownership & Control

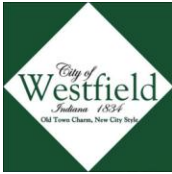
The Zoning Ordinance states that "the area designated in the PUD map must be a tract of land under single ownership or control. Single control of property under multiple ownerships may be accomplished through the use of enforceable commitments" (WC 16.04.190, C2). If the developer does not own the property, then demonstration of control is typically shown in the form of a consent letter. Some of the proposed Symphony property has not been included in a consent letter (specifically, Towne Road Development, Inc and the Laufters have not consented to their respective properties being included in the Symphony PUD, as of the publishing of this report). The Community Development Department Staff is in the process of reviewing the consent letters that have been submitted to determine the extent of any issues regarding ownership and control.

### Public Input

In addition to the comments that were made at the June 21, 2010 Public Hearing, the Community Development Department Staff has received a number of written comments regarding the Symphony project. Staff is currently preparing an exhibit that will bring all of the public comments (to-date) together into a single, cohesive document that will help organize and process the public's feedback. This exhibit will be available to the APC for the July 6<sup>th</sup> meeting if possible, but not later than the following week.

### New Submission

The Community Development Department received new information from the petitioner on July 2, 2010 (see Exhibit 5). Staff has not yet reviewed these materials, but will review them and provide comments for the July 19, 2010 APC meeting.

**STATUTORY CONSIDERATIONS**

Ind. Code 36-7-4-603 states that when considering requests for changes in zoning, reasonable regard shall be paid to:

1. The Comprehensive Plan.
2. Current conditions and the character of current structures and uses.
3. The most desirable use for which the land is adapted.
4. The conservation of property values throughout the jurisdiction.
5. Responsible growth and development.

**PROCESS REQUIREMENTS**

<u>Required Submittals</u>	<u>Original</u>	<u>Amended</u>	<u>Status</u>
Application	12/07/09	-	Submitted
Fees	12/07/09	-	Paid
Legal Description	12/07/09	-	Submitted
Consent Forms	12/07/09	07/02/10	Some Submitted
Neighbor Meeting	12/16/09 & 12/22/09	-	Meetings Held
PUD Ordinance	12/07/09	05/26/10	Submitted

<u>Required Procedure</u>	<u>Original</u>	<u>Status</u>
Pre-Filing Conference	08/03/09	Meeting Held
Notice - Sign on site	06/11/10	Posted
Notice – Newspaper	06/11/10	Published
Notice – Mail	06/11/10	Postmarked

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***KMT***